UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,560	02/08/2002	Matthew C. Burch	702.165	9891

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EXAMINER
ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
07/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@GARMIN.COM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 June 2010_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _22-38_ is/are pending in the application.
　　 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _22-38_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _08 February 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
　　 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　 a) ☐ All　b) ☐ Some * c) ☐ None of:
　　　　 1. ☐ Certified copies of the priority documents have been received.
　　　　 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　 Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　 Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communication files on June 25, 2010, Claims 1-21 and 39-45are

    cancelled and claims 22 and 31 are amended by applicant's request. Therefore, claims 21-

    38 are presently pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 6/25/2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 22-38 are rejected under 35 U.S.C. 103(a) (Eff. filing date of application:

2/8/2002) as being unpatentable over Ran (US Pat. 6,317,686) (Eff. filing date of application:

7/21/2000) in view of Blair et al. (US Pub. 2003/0145005) (Eff. filing date of application:

1/25/2002) (hereinafter Blair).

As to claim 22, <u>Ran</u> teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see figure 1, characters 1-3 and 5), wherein the memory includes a set of track log points(see figure 10B),

wherein the device is adapted to select a desired track log based on a first user-specified desired endpoint and a second user-specified desired endpoint (see column 17, lines 17-27), and

wherein at least one of the first and second user-specified endpoints is capable of being selected by a user-specified location (see column 22, lines 22-36).

<u>Ran</u> does not expressly teach wherein the memory includes a set of track log points, the track log points indicating a plurality of previous locations of the navigational aid device.

<u>Blair</u> teaches method and system for facilitating use of the global positioning system (GPS) (see abstract), in which he teaches wherein the memory includes a set of track log points, the track log points indicating a plurality of previous locations of the navigational aid device (see paragraph 6).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Ran</u> by the teaching of <u>Blair,</u> because wherein the memory includes a set of track log points, the track log points indicating a plurality of previous locations of the navigational aid device, would enable the GPS because, "If the user has traveled to a destination previously, he or she may have used the GPS device to obtain the coordinates of the location at that time. If the user saved the coordinates of the location during his or her

previous visit, the coordinates may be stored in the GPS device. The coordinates can then be

used by the GPS device to determine the direction and distance to the destination from any

starting point, which can be determined from the GPS by the GPS device. While this process

enables a user to travel to a previously visited location from a different starting point, it is often

desirable to travel to a destination that has not been visited previously", (see paragraph 6).

As to claim 23, Ran as modified teaches wherein the device includes a portable device

(see Ran, figure 1, character 17).

As to claim 24, Ran as modified teaches wherein the device includes a cellular device

(see Ran, figure 1, character 14).

As to claim 25, Ran as modified teaches wherein the device includes a Global Positioning

System (GPS) receiver device (see Ran, column 22, lines 4-6).

As to claim 26, Ran as modified teaches wherein the device includes a Personal Digital

Assistant (PDA) (see Ran, figure 1, character 16).

As to claim 27, Ran as modified teaches wherein at least one of the first and second user-

specified endpoints is capable of being selected by manually entering a location (see Ran,

column 17, lines 17-34 and column 22, lines 4-9).

As to claim 28, <u>Ran</u> as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a map feature (see Ran, column 17, lines 34-47).

As to claim 29, <u>Ran</u> as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using an address (see Ran, column 17, lines 34-47).

As to claim 30, <u>Ran</u> as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a waypoint (see Ran, column 17, lines 34-47).

As to claim 31, <u>Ran</u> teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see Ran, figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see Ran, figure 1, characters 1-3 and 5),

wherein the memory includes a set of track log points (see Ran, figure 10B), the track log points indicating a plurality of previous location of the navigation aid device (see <u>Blair,</u> paragraph 6) same motivation of claim 1, above.

wherein the device is adapted to:

determine a user-selected method for specifying a time of at least one track log

endpoint from a choice among: a method for specifying a location and extracting a time

from the specified location, and at least one other method for specifying the time of at

least one track log end point (see Ran, figure 6, characters 67, 610, and 611; figure 7B;

and figure 9, character 96 where he teach "departure time choice or arrival time choice");

receive user-specified desired endpoints for a desired track log using one or more

of the methods for specifying a time of at least one track log endpoint (see Ran, figure 6,

characters 67, 610, and 611; figure 7B; and figure 9);

assign actual endpoints for the track log based on a time for the desired endpoints

and a set of track log points (see Ran, figure 8, character 814 and column 22, lines 33-

36); and

identify the desired track log using the actual endpoints and at least one track log point

from the set of track log points (see Ran, column 22, lines 22-36).

As to claim 32, Ran teaches wherein the navigational aid device includes a portable

navigational aid device (see Ran, figure 1, character 17 and column 22, lines 4-6).

As to claim 33, Ran teaches wherein the navigational aid device includes a wireless

communication device (see Ran, figure 1, character 4).

As to claim 34, Ran teaches wherein the navigational aid device includes a Global

Positioning Receiver (GPS) device (see Ran, column 22, lines 4-6).

As to claim 35, <u>Ran</u> teaches wherein the navigational aid device includes a Personal

Digital Assistant (PDA) (see Ran, figure 1, character 16).

As to claim 36, <u>Ran</u> teaches wherein:

the device is further adapted to display a list of track log points that are associated with a

time (see Ran, figure 9, characters 61 and 96 and column 22, lines 22-65), and

the at least one other method for specifying the time of at least one track log endpoint

includes selecting a track log endpoint from the list of track log points (see Ran, figure 9,

characters 61 and 96 and column 22, lines 22-65).

As to claim 37, <u>Ran</u> teaches wherein:

the device is further adapted to display a data entry screen for entering a time (see Ran,

figure 9, character 96 and column 22, lines 45-49); and

the at least one other method for specifying the time of at least one track log endpoint

includes entering a time that is to be associated with the at least one track log endpoint (see Ran,

column 22, lines 46-59).

As to claim 38, <u>Ran</u> teaches wherein the device is further adapted to:

search for a nearest track log point that is located closest to at least one of the desired

endpoints that is specified by a location (see Ran, figure 11, characters 118 and 1114);

identify a time associated with the nearest track log point (see Ran, column 1, lines 52-58); and

find an index of the nearest track log point in a time range (see Ran, column 21, lines 40-47 and column 22, lines 1-3).

Response to Arguments

Applicant's arguments with respect to claim1 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BELIX M. ORTIZ whose telephone number is (571)272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

July 15, 2010

/Belix M. Ortiz/
Examiner, Art Unit 2164